

## MISCELLANY

Under this department are ordinarily grouped: News Items; Letters; Special Articles; Twenty-Five Years Ago column; California Board of Medical Examiners; and other columns as occasion may warrant. Items for News column must be furnished by the fifteenth of the preceding month. For Book Reviews, see index on the front cover, under Miscellany.

## NEWS

### Coming Meetings.†

*California Medical Association*, Hotel Del Monte, Del Monte, California, May 4-7, 1942.

*American Medical Association*, Atlantic City, June 8-12, 1942.

*California Heart Association*, Hotel Del Monte, Sunday, May 3, 1942.

*California Physicians' Service*, Hotel Del Monte:

Board of Trustees will meet on Sunday, May 3, at 3:30 P.M.

Administrative Members will hold annual meeting on Tuesday, May 5. Luncheon meeting, 12:15 P.M.

### The Platform of the American Medical Association

The American Medical Association advocates:

1. The establishment of an agency of Federal Government under which shall be coordinated and administered all medical and health functions of the Federal Government, exclusive of those of the Army and Navy.

2. The allotment of such funds as the Congress may make available to any state in actual need for the prevention of disease, the promotion of health, and the care of the sick on proof of such need.

3. The principle that the care of the public health and the provision of medical service to the sick is primarily a local responsibility.

4. The development of a mechanism for meeting the needs of expansion of preventive medical services with local determination of needs and local control of administration.

5. The extension of medical care for the indigent and the medically indigent with local determination of needs and local control of administration.

6. In the extension of medical services to all the people, the utmost utilization of qualified medical and hospital facilities already established.

7. The continued development of the private practice of medicine, subject to such changes as may be necessary to maintain the quality of medical services and to increase their availability.

8. Expansion of public health and medical services consistent with the American system of democracy.

**American Medical Association Broadcasts.**—*Doctors at Work*, the dramatized radio program broadcast by the American Medical Association and the National Broadcasting Company went on the air for its second season,

beginning December 6, 1941, from 5:30 to 6 p. m., Eastern Standard time (4:30 to 5 p. m., Central Standard time; 3:30 to 4 p. m., Mountain Standard time; 2:30 to 3:30 p. m., Pacific Standard time.) The program will be broadcast on upward of seventy-five stations affiliated with the Red network of the National Broadcasting Company and will be heard from coast to coast.

*Doctors at Work*, a successful, serialized story broadcast last year, dealt with the experiences of a fictitious but typical American boy choosing medicine for his vocation and proceeding to acquire the necessary education and hospital training for the private practice of medicine. Interwoven with the personal story of young Dr. Tom Riggs and his fiancée, Alice Adams, was the romance of modern medicine and how it benefits the doctor's patients.

The new series of broadcasts will resume where last year's story left off, namely, with the marriage of Tom Riggs and Alice Adams, and the subsequent life of a young doctor and his wife in time of national emergency in a typical, medium-sized, American city.

The program will be produced under the supervision of the Bureau of Health Education of the American Medical Association, W. W. Bauer, M. D., Director. Scripts will be by William J. Murphy of the National Broadcasting Company, author of such successful radio productions as "Flying Time," "Cameos of New Orleans," "Your Health," "Medicine in the News," and last year's "Doctors at Work." The scripts will again be produced by J. Clinton Stanley, and the National Broadcasting Company orchestra will be under the direction of Joseph Gallichio as heretofore. Actors will be drawn from the well-known group of Chicago radio actors previously heard in American Medical Association and other successful broadcasts.

The program will be available to all stations affiliated with the Red network of the National Broadcasting Company. Announcements should be sought in local newspaper radio columns, under the title "Doctors at Work," or possibly "American Medical Association" or, in some instances, "Health Broadcasts." Evidence of local interest in the program may be the determining factor in whether a local station takes this educational, sustaining feature or sells its time to a local revenue-producing program. Physicians and friends may wish to write to local stations in commendation of the programs.

### Medical Broadcasts\*

*Los Angeles County Medical Association:*

The following is the Los Angeles County Medical Association's radio broadcast schedule:

Saturday, April 4—KFAC, 8:45 a.m., Your Doctor and You.

Saturday, April 4—KFI, 11:30 a.m., The Road of Health.

Saturday, April 11—KFAC, 8:45 a.m., Your Doctor and You.

† In the front advertising section of *The Journal of the American Medical Association*, various rosters of national officers and organizations appear each week, each list being printed about every fourth week.

\* County societies giving medical broadcasts are requested to send information as soon as arranged (stating station, day, date and hour, and subject) to CALIFORNIA AND WESTERN MEDICINE, 450 Sutter Street, San Francisco, for inclusion in this column.

Saturday, April 11—KFI, 11:30 a.m., The Road of Health.  
 Saturday, April 18—KFAC, 8:45 a.m., Your Doctor and You.  
 Saturday, April 18—KFI, 11:30 a.m., The Road of Health.  
 Saturday, April 25—KFAC, 8:45 a.m., Your Doctor and You.  
 Saturday, April 25—KFI, 11:30 a.m., The Road of Health.

**Langley Porter, M. D. Receives Honorary Degree of Doctor of Laws.**—At the recent Founders' Day celebration of the University of California, the honorary degree of LL.D. was bestowed on Doctor Langley Porter, Emeritus Dean of the U. C. School of Medicine. The granting of the degree was a well deserved recognition of Doctor Porter's many years of efficient service as dean of the Medical School of the University of California.

**California Conference on Social Work.**—At San Francisco, commencing Sunday, April 19th, through Thursday, April 23, 1942, the California Conference of Social Work will hold its 34th Annual Meeting.

The major theme is "Priorities in Human Welfare." The California Conference is a state-wide association of socially-minded citizens dedicated to improvement of conditions of life in California.

Among the topics to be considered may be mentioned: California inventories her Medical Care Program; Maintenance of Mental Health in Wartime; What You Should Know About: Nutrition, Venereal Disease, Food Hazards, Tuberculosis, Sanitary Engineering, Heart Disease, Mental Health.

Further information may be secured from the office of the California Conference on Social Work, 126 Post Street, San Francisco (telephone Douglas 1828).

**Deferment of Income Tax Returns and Payments for Persons in Military Service.**—House and Senate conferees have reached an agreement on a bill, H.R. 6446, one section of which postpones the time for the filing of income tax returns and the payment of federal income taxes by persons in military service and by certain other persons.

This section provides, as agreed to in conference, that in the case of any taxable year beginning after December 31, 1940, no federal income tax return of or payment of any federal income tax by

(a) any individual in the military or naval forces of the United States, or

(b) any civilian officer or employee of any department who, at the time any such return or payment would otherwise become due, is a prisoner of war or is otherwise detained by any foreign government with which the United States is at war, or

(c) any individual in the military or naval forces of the United States serving on sea duty or outside the continental United States at the time any such return or payment would otherwise become due shall become due until one of the following dates, whichever is the earliest:

(1) the fifteenth day of the third month following the month in which he ceases (except by reason of death or incompetency) to be a prisoner of war, or to be detained by any foreign government with which the United States

is at war, or to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, as the case may be, unless prior to the expiration of such fifteenth day he again is a prisoner of war, or is detained by any foreign government with which the United States is at war, or is a member of the military or naval forces of the United States serving on sea duty or outside the continental United States;

(2) the fifteenth day of the third month following the month in which the present war with Germany, Italy and Japan is terminated as proclaimed by the President; or

(3) the fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

This section applies to any person in the Army of the United States, the United States Navy, the Marine Corps, the Army or Navy Nurse Corps (female), the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service. It applies, too, to persons beleaguered or besieged by enemy forces as well as to persons in the hands of the enemy.

**American College of Surgeons: California Meetings.**—All members of the medical profession are cordially invited to participate in a series of War Sessions of the American College of Surgeons.

The Board of Regents of the College is desirous of rendering the greatest possible service to the medical profession and to the government during the present war emergency. Therefore, at a meeting held on January 18, the Regents voted unanimously that the College this year sponsor a series of 25 one-day meetings in the United States, with a program for each meeting that will concentrate on medicine and surgery in military service and in civilian defense.

In San Francisco, on Thursday, April 16th, members of the American College of Surgeons residing in Northern California and Nevada will hold a meeting at the Hotel Fairmont. On Saturday, April 18th, at the Biltmore Hotel in Los Angeles, members of the A. C. of S. residing in Southern California will hold a similar meeting.

It is proposed to include primarily discussion of enlistment of medical personnel in the United States Army and Navy, and to disseminate information as to service by members of the medical profession in combat zones and in civilian defense. Through these meetings the American College of Surgeons is extremely anxious to bring to the medical profession the latest and most authentic scientific information on war medicine and surgery, particularly in respect to injuries and conditions incident to military service, such as shock, treatment of open wounds, burns, and fractures. This program, which is being arranged at the College office in Chicago, will be presented by outstanding authorities.

A medical officer of both the United States Army and Navy, and representatives of the United States Office of Civilian Defense and of the Procurement and Assignment Service, will be assigned to participate in the meetings by taking active part in the program. These sessions will provide an excellent opportunity for the medical profession in the various states to obtain first hand information about military service—information which every doctor is seeking today. The entire program will be designed to stimulate medical and civilian defense activities and aid in the successful prosecution of the war. The meetings will not be restricted to Fellows of the College, but will be open to the entire medical profession from the states included in the area.

**The Value of Medical Meetings.**—Conventions have become, more and more, an integral part of American professional and business life. From our observations, we believe that medical meetings, both local and national, stand at the top, from the point of view of worth-while programs for all who attend.

The medical convention provides an opportunity for the physician to get away from his busy routine of practice to relax a little; to fraternize with his colleagues; and to learn much that will help him in his service to his patients.

A medical meeting with a carefully planned program offers a veritable refresher course, as leaders in their fields speak from the platform or conduct clinics, sharing with others the benefits of their experience.

The scientific exhibits, in recent years, have reached a new high, in bringing to the meetings demonstrations of the most recent advances in medicine and surgery. Thus the physician may keep in step with the changes which are taking place with almost kaleidoscopic rapidity.

Last, but not least among the attractions at the larger meetings, should be mentioned the technical exhibits, where ethical pharmaceutical manufacturers and other purveyors to the profession exhibit the latest products, developed to serve the physician. Here the physician may talk leisurely, free from waiting patients and sick calls, with well informed representatives of the leading houses.

All in all, the medical convention spreads out before the attending physicians the results of millions of dollars' worth of clinical and laboratory research. Those who attend and those who participate do much to advance the cause of alleviating human ills.—*Patchwork*, Nov.-Dec., 1941.

### Pharmacological Items of Potential Interest to Clinicians (From the U. C. Pharmacologic Department):

1. *From the Far Eastern Front:* T. E. Wilson offers comprehensive survey (91 references) on the galactose tolerance test in thyreotoxicosis (*Austral. Med. J.*, 1:33, Jan. 10, 1942) and supports T. L. Althausen, J. C. Lockhart and M. H. Soley (*Amer. J. Med. Sci.*, 199:342, 1940). Provocative symposium on "driving under the influence" appears in Jan. 24th issue. Helpful discussion of plaster of paris casting reported by F. V. Stonham and P. C. Datta (*Ind. Med. Gaz.*, 76:652, 1941). J. H. de Haas (*Geneesk. Tijdschr. Neder. Ind.*, 81:2719, Dec. 23, 1941) recommends fermented soy bean mash to replace eggs in infant dietary, when eggs are unobtainable.

2. *Tropical Medicine Notes:* Earl McKinley's Geography of Disease (Washington, 1935) has become precious. A. Halawani (Bagdad) reports pentasodium-antimonyl-bis (catechol-2, 4-disulfonate) or "Fantorin" highly effective in schistosomiasis (*J. Roy. Egypt. Med. Assoc.*, 24:342, 1941). K. F. Meyer tells us what we know and don't know about plague (*Amer. J. Trop. Med.*, 22:9, 1942). H. C. Clark discusses venomous snakes and gives advice on what to do when bitten (*ibid.* p. 37). G. F. T. Saunders notes effectiveness of 4, 4'-diamidino diphenoxy pentane in African sleeping sickness as daily doses of 20 to 50 mgm. IV; but R. Daubney and J. R. Hudson report delayed and acute liver injury in cattle on doses of 5 mgm. per Kg. (*Ann. Trop. Med. Parasit.*, 35:169, 175, Dec. 31, 1941). J. D. Fulton and W. Yorke continue careful observations on trypanosome drug resistance—12 years to atoxyl, 3 years to Bayer 205, but gradual loss to undecane diamidine; and they report making *Plasmodium* knowlesi resistant to plasmoquine (*ibid.*, pp. 221, 233): but note these resistances lost if organisms pass through sexual cycle in insects. R. M. Gordon and D. R. Seaton find a couple applications of 50 per cent methylated coconut oil fatty acid with benzyl benzoate, or dimethylthianthrene ("Mitigal" Bayer), or tetraethylthiuram monosulfide completely kills scabies mites and larvae deep in the skin (*ibid.*, p. 247).

3. *From England:* L. Dann, A. Gluckmann, and K. Tansley (*Lancet*, 1:95, Jan. 24, 1942) find that linoleic acid promotes collagen and epithelial regeneration in wounds. Lots of useful information may be found by reading the recent thorough discussion of "blast" injuries (*Proc. Roy. Soc. Med., Sect. Surg. Path.*, 34:171, 1942). Ditto for hygiene in air-raid shelters (*ibid.*, p. 125). P. Evans gives an excellent analysis of the clinical significance of blood viscosity (*Lancet*, 242:162, Feb. 7, 1942).

4. *From Recent Issues of Science:* Appropriate to E. Braun-Memendez' Herzstein Lectures in San Francisco on hypertension is the report by H. and R. Croxatto of Santiago (*Science*, 95:102, Jan. 23, 1942) that they have obtained a hypertensive agent ("pepsitensin") by incubating hypertensinogen with pepsin. F. H. Johnson (*ibid.*, p. 104) suggests that p-amino-benzoic acid and sulfonamide antagonism, as well as similar antagonism with urethane and pentobarbital, may involve different levels of concentrations for stimulation and inhibition respectively of enzyme systems. J. F. Fulton (*ibid.*, p. 207, Feb. 27) delightfully as usual discusses the physiology of high altitude flying, referring specially to air embolism and the remarkable acceleration of gravity on banking or diving, when the blood weighs about the same as molten iron.

5. *Odds and Ends:* C. E. Pico (*Rev. Inst. Bact. Buenos Aires*, 10:166, 1941) finds gramacidin particularly effective against diphtheria bacilli. A. W. Winkler, P. K. Smith and H. E. Hoff (*J. Clin. Invest.*, 21:207, 1942) recommend slow IV injection of 500 cc. 2 per cent MgSO<sub>4</sub> solution for safe prevention and control of convulsive seizures of chronic nephritis. Why wouldn't this be better for control of metrazol and electro-shock convulsions in treating schizophrenia than crude curare or even erythroidin? H. W. Newman offers a critical review of *Acute Alcoholic Intoxication* (Stanford Univ. Press, 1942). E. J. Van Liere presents a timely and expertly organized discussion of *Anoxia: Its Effects on the Body* (Univ. Chicago Press, 1942).

**Press Clippings.**—Some news items from the daily press on matters related to medical practice follow:

#### Heavy Doctor Bills May be Added to Tax Exemptions

Washington, March 30. (AP).—A proposal that unusual medical expenses and part of the cost of sending children to college be deductible from income subject to taxes went to the House Ways and Means Committee today from the Treasury Department.

Randolph Paul, tax adviser to Secretary Morgenthau, suggested to the committee that deductions be permitted "for extraordinary medical expenses that are in excess of a specified percentage of the net income."

He mentioned 5 per cent of net income as a normal medical outlay and proposed that amounts above that, but only up to \$2500 a year, be deductible. Thus, a man whose net income was \$3000 could not deduct any medical expenses up to \$150, regardless of whether he was married or single.

Paul proposed that the credit for dependent children be revised to permit a credit for children between the ages of 18 and 21 "who are in attendance at school." A credit of \$400 each is now allowed for dependent children under 18 but Paul suggested no amount for the over-18 credit.

Paul reiterated the Treasury's request that Congress compel husbands and wives to file joint income tax returns but recommended that where the wife works outside the home an additional credit should be granted for household expenses which usually are not incurred when the wife keeps house.

This credit, he said, should be equal to 10 per cent of the wife's earnings, with a maximum of \$100. A similar credit would be granted where a person occupying the status of head of the family, such as a widow, works.—*Los Angeles Times*, March 31.

#### State Medical Board

Sacramento, March 23. (UP).—Gov. Culbert Olson today made appointments to the state board of medical examiners as follows:

Dr. Percival Dolman, San Francisco, reappointed, January 15, 1946; Dr. George Thomason, Los Angeles, reappointed, January 15, 1946; Dr. Ebon R. McGregor, Lemon Grove, January 15, 1946.—*Los Angeles Daily News*, March 23.

### Geared to the Times

One of the biggest war jobs is that of the medical profession.

Doctors have been called into army service. Other thousands are giving a considerable part of their working time to governmental bodies of a military and quasi-military nature. In most cases, this involves a financial loss for the doctor. But you don't hear him complain. He realizes the responsibility that is his, and he means to discharge it, irrespective of his own individual welfare.

War also makes the task of guarding civilian health far harder. Millions of men will work long hours at arduous jobs. A considerable proportion of these men are leaving office positions which involved no particular physical strain, to take industrial work where muscle and stamina are required. Many of them will be exposed to the inclement weather, and to extremes of heat and cold. On top of that, plans are being made to enlist women by the thousands for certain industrial operations which once belonged exclusively in the male province. Keeping these legions of people healthy under the rigors of war conditions, is a mighty difficult undertaking.

The American system of private medicine will show the stuff it is made of. That system has given us the highest general level of health in the world. It has permitted every doctor to go as far as his abilities and ambitions allow. It is geared to the onerous demands of these discordant times.—Avalon *Catalina Islander*, February 26.

### Prudish Censorship

Several years ago the newspapers of the country, among which The San Francisco *News* was one of the first, broke down the long-standing social taboo against mentioning the venereal diseases of syphilis and gonorrhea in public.

Since that time these words have come into as common use as tuberculosis or smallpox.

Evidently, however, this change in public attitude has not penetrated to the sacred precincts of the city's Public Utilities Commission.

Recently the City Health Department and the Division of Social Protection of the Federal Security Agency requested permission to put cards in the municipal trolley cars informing patrons of the Federal Government's program to reduce venereal disease and the availability of free clinics in the city for the purpose.

Although the Market Street Railway readily consented to comply with a similar request, and although the traction company authorities of Chicago, Pittsburgh and Washington, D. C., permitted the same type of publicity, the Public Utilities Commission here flatly turned it down.

In no community can the war on these maladies that sap man power be made fully effective without fullest public understanding and courageous facing of facts.

We suggest the Public Utilities Commission lift itself out of the horse-and-buggy days attitude and assist the splendid work being done by the public health services in this campaign.—San Francisco *News*, March 9.

### Crosby Appointed to County Post

Dr. Daniel Crosby was appointed to fill the unexpired term of the late Dr. Charles A. Dukes on the Alameda County Institutions Commission today by the Board of Supervisors. He will serve until July 1, 1943. He lives at 311 Mountain Avenue, Piedmont. Doctor Crosby is a brother of the late Superior Judge Peter J. Crosby.—Oakland *Tribune*, March 19.

### County Hospital Plea Protested

San Diego, March 17.—Resignation of resident physicians, internes and voluntary staff of the San Diego County Hospital was threatened today over a demand that osteopathic physicians and surgeons be permitted to enter patients in the institutions on the same basis as persons with doctors of medicine degrees.

The demand was presented by Dr. Edward B. Hough-taling, San Diego Osteopathic Society legislative chairman, during a hearing on conditions governing a proposed \$896,000 Federal grant for hospital expansion.

Dr. Lyle C. Kinney, chairman of the County Hospital committee, warned that such a "change in policy will result in loss of your resident physicians, internes and voluntary staff."

"San Diego is the only county in Southern California which stands a chance of obtaining a Federal grant for a hospital," he said. "Don't throw a monkey wrench in the machinery."—Los Angeles *Times*, March 18.

### Vallejo Is Seeking \$1,000,000 Hospital

Vallejo (Solano Co.), March 21.—City councilmen informally have approved an application for federal funds for a \$1,000,000 city hospital for Vallejo, with 250 beds, built and maintained by the government.

The request that the city sponsor the application came from a committee of the Solano County Medical Society, headed by Dr. John W. Green, and a delegation from the Vallejo Kiwanis Club, headed by Andrew B. Norling, president, and Earl Jensen, committee chairman.

Two applications will be made, one asking for funds for construction and the other for maintenance and operation funds. Under the present plans, any deficit in operations would be borne by the federal government, based on periodic audits.—Sacramento *Bee*, March 21.

### Photos Used at U. C. to Calculate Radiant Dosage in Cancer Cases

St. Louis, April 7.—(AP)—A method of using photography to measure the atomic bombardment of cancer with radioactive substances was described today to physicians attending the Second American Congress on Obstetrics and Gynecology.

Dr. Joseph G. Hamilton, of the University of California, told how such elements as calcium, chlorine, iodine, strontium, phosphorus and others can be "tagged" by bombarding them with sub-atomic particles in the cyclotron. Then as they go through the body they give off rays which can be detected by a sensitive vacuum tube device.

### Assimilation Studies

Doctor Hamilton fed Dr. Alfred Gellhorn, of Baltimore, one of his colleagues, a liberal dose of radioactive iodine to demonstrate what would happen. As he predicted, the atomic counter device chattered as he moved it toward the thyroid glands, where iodine concentrates. Other parts of the body showed little or no activity.

The same thing can be done with elements such as iron and calcium which are deposited in the bones, thus enabling medical scientists to study the assimilation and use of food by the body, he declared. It might be used in the future for diagnosis of some disease conditions but at present other tests are simpler for general use.

The California physician and his colleagues, including Dr. Ernest O. Lawrence and his brother, Dr. John H. Lawrence, Nobel Prize winner in physics, now have carried their studies of radioactive materials to a new stage in which they measure their activity down to individual cells by indirect methods.

### Tissue Photographed

An important part of the work is being done by Dr. Margaret Lewis, daughter of a famous scientist of the Carnegie Institution of Washington. After an animal has been treated with one of the radioactive substances, a tiny piece of tissue a few millionths of an inch thick is removed from the organ to be studied and placed on a photographic plate.

The atomic particles take their own picture on the plate and while the picture is being developed, Doctor Lewis begins a study of the cells under a powerful microscope. By matching the picture with her observations it is possible to calculate quite closely the amount of radiation which a cell in any part of the body of the animal has received.

Through these studies, which are at present only beginning, it may be possible to adjust the amount of radiation necessary within fairly precise limits, Doctor Hamilton declared. But, he warned, this is not a treatment for cancer, although further research may prove it to be.—San Francisco *Examiner*, April 8.

### Five Day Cure for Venereal Disease Found

Surgeon General Parran Reveals 80 Per Cent Effectiveness, Predicts Total Eradication

Washington, April 6 (AP).—A five day cure for gonorrhea has been perfected and proved in large scale tests, Surgeon General Thomas Parran of the United States Public Health Service announced today.

Doctor Parran hailed the development as "a giant step forward in the total eradication of venereal diseases in this country." He estimated that several million cases are acquired in the United States each year.

Large scale tests have proved, Doctor Parran said,

that sulfathiazole is capable of curing at least 80 per cent of all gonorrheal infections. The remaining 20 per cent, he said, may be cured by another course of treatment with the same drug, or by other special methods.

Cautioning against self-diagnosis and self-treatment, the surgeon general warned that sulfathiazole is safe only if taken under a doctor's orders and under close medical observation.

"If the amount taken is not carefully adjusted," he said, "the drug can cause nausea, dizziness, fever and rash. Worse still, self-dosing with this drug may do such serious damage to the liver and blood cells that the patient never completely recovers. Only under the doctor's direction is the drug safe to use."—*San Francisco Examiner*, April 7.

#### Dr. Daniel Crosby Takes Over Alameda Post

Dr. Daniel Crosby has been appointed to fill the unexpired term of the late Dr. Charles A. Dukes on the Alameda County Institutions Commission by the Alameda County Board of Supervisors. He will serve until July 1, 1945.—*San Francisco Chronicle*, March 24.

## MEDICAL JURISPRUDENCE†

By HARTLEY F. PEART, ESQ.

San Francisco

### Practicing Without a License: Criminal Responsibility and Civil Responsibility

#### PART I—CRIMINAL RESPONSIBILITY

It is an almost universal requirement that an individual be possessed of a certificate or license issued by duly constituted authority before he may lawfully engage in the practice of medicine and surgery. In most jurisdictions, in order to insure compliance with this requirement, certain sanctions have been attached to practicing without such a certificate or license. In California, physician's and surgeon's certificates are issued by the Board of Medical Examiners and it is provided in *Business and Professions Code*, Section 2141 that:

"Any person, who practices or attempts to practice, or who advertises or holds himself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other mental or physical condition of any person, without having at the time of so doing a valid unrevoked certificate as provided in this chapter, is guilty of a misdemeanor."

Another section of the same code limits the use of the prefix "Dr.", or any other term implying that an individual is a physician or surgeon, to holders of certificates, and makes a violation of this condition a misdemeanor. Persons convicted of violating these or other sections of the Medical Practice Act are punishable by a fine of not less than \$100 nor more than \$600, or by imprisonment for a term of not less than sixty days nor more than one hundred eighty days, or by both such fine and imprisonment.

A statute as broad in scope as that quoted necessarily is subject to certain exceptions and limitations, some of which are set forth in the *Business and Professions Code*. A physician or surgeon from another state is not required to have a certificate while in actual consultation with a licensed physician or surgeon of this State if, at the time of the consultation, he is a licensed physician in the state in which he resides. He may not, however, open an office or appoint a place to meet patients or receive calls in California. Students regularly matriculated in a medical school approved by the Board of Medical Examiners may treat the sick and afflicted if they receive no com-

pensation for their services. And commissioned medical officers of the United States Army, Navy, Marine Hospital or Public Health Service are not required to have a State license to discharge their official duties.

The source of some litigation and dispute over proper construction has been the provision of Section 2144 that the license requirements of the Medical Practice Act (i.e., *Business and Professions Code*, Ch. 5) are not meant to prohibit "service in case of emergency." This section has been seized upon with little or no success by persons charged with practicing without a license as justifying the course of treatment alleged to constitute the offense with which they are charged. In *People v. Lee Wah* (1886), 71 Cal. 80, it was held that the mere fact that school physicians had given up a sick person as incurable did not create a case of emergency authorizing a person who had not procured a medical certificate to render him gratuitous medical services. The test was established by this case that "A case of emergency, within the meaning of the statute, is one in which the ordinary and qualified practitioners are not readily obtainable." This theory of the statute was reaffirmed in *People v. Cosper* (1926), 76 Cal. App. 601, the Court holding that where the uncontroverted evidence showed that arrangements had been made for the treatment of the patient by the defendant several days before the date he was called, and that a number of hours elapsed between the time when he commenced his treatment and the birth of a child to the patient, during which time there was ample opportunity to secure the services of a regularly licensed physician, there was no merit in the defendant's contention that the case was an emergency treatment within the exception found in the Medical Practice Act.

The Board of Medical Examiners is empowered to prosecute all persons guilty of violating the license requirement, and may employ special agents and investigators for the purpose of enforcing this and other provisions of the Medical Practice Act. Warrants directing the arrest of violators may be issued to these special agents in the same manner as warrants are issued to peace officers for the arrest of criminals, and the Attorney General of the State acts as legal counsel for the Board in all prosecutions.

In order to sustain a conviction under the section of the *Business and Professions Code* quoted above, the Board of Medical Examiners must establish the two elements of the offense, i.e., a course of action falling within practice of medicine or surgery as defined in the section, and secondly, the absence of a certificate duly issued by the Board. To constitute "practicing" the defendant must have treated or prescribed for the patient in the course of following a profession, business, or calling, and the mere gratuitous suggestion of a method of treatment, or as shown above, the rendering of services in time of emergency, will not justify prosecution. Diagnosis and treatment, or either alone, have been held to sustain a conviction. After establishing that the defendant has actually practiced medicine within the meaning of the statute, the Board is aided in its prosecution by the rule that, where the defendant alleges that he did have a license, the burden is upon him to prove this defense because his possession of a license is a matter peculiarly within his own knowledge.

The subject of civil responsibility for practicing without a license will be considered in a later article.

For years health departments have embodied dental hygiene in their programs. I hazard the guess that no official health agency would claim that it has more than scratched the surface in this field. Before we can expect to get our dental programs on a basis where far reaching results can be anticipated, extensive and intensive scientific research is needed.—John L. Rice, M. D., *Commissioner of Health, New York City*.

† Editor's Note.—This department of CALIFORNIA AND WESTERN MEDICINE, presenting copy submitted by Hartley F. Peart, Esq., will contain excerpts from and syllabi of recent decisions and analyses of legal points and procedures of interest to the profession.